

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

WACO DIVISION

**JERRY DON MARTIN,
TDCJ #602390,
Petitioner,**

v.

**NATHANIEL A. QUARTERMAN,
Director, Texas Department of Criminal
Justice, Correctional Institutions Division,
Respondent.**

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Civil No. W-07-CA-130

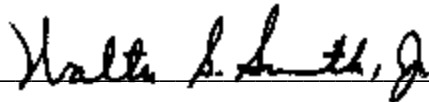
ORDER

Before the Court is Petitioner's application to proceed *in forma pauperis*. Petitioner has submitted a certification from the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ) indicating that he has a current balance of \$6.55 in his prisoner trust account and has had an average balance of \$70.40 per month and an average deposit of \$75.00 per month during the six months prior to the filing of the habeas corpus petition. The Court finds that Petitioner has the ability to pay the \$5.00 filing fee in this case. Accordingly, it is

ORDERED that Petitioner's application to proceed *in forma pauperis* is **DENIED**. It is further

ORDERED that Petitioner shall pay the \$5.00 filing fee within thirty (30) days of the date of this Order or the application for writ of habeas corpus may be dismissed.

SIGNED on this 4th day of May, 2007.



WALTER S. SMITH, JR.
CHIEF UNITED STATES DISTRICT JUDGE